



August 25, 2014

Chairman Tom Wheeler
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Comcast Corporation ("Comcast") and Time Warner Cable Inc. ("TWC") Transaction,
MB Docket Number 14-57, Independent Programming Networks

Dear Chairman Wheeler,

Herring Networks Inc. ("Herring") is a national cable programming company. Herring currently owns and operates two national cable services, namely AWE, a 24/7 lifestyle and entertainment company, and One America News Network, a credible source for national and international news 24/7.

I write to you regarding the enhanced tendency for discriminatory and anti-competitive behavior by Comcast and our grave concerns post a Comcast – TWC merger. Based upon practices observed in the industry, direct statements made by Comcast senior management during FCC complaint proceedings, and numerous carriage access complaints filed by a plethora of unaffiliated programming networks, Comcast states and demonstrates a practice of treating its own programming services like "siblings", providing preferential and discriminatory consideration. Comcast programming channels are able to spend more time with the Comcast cable side than independent networks and receive preferential consideration. The lack of program and carriage access complaints filed against AT&T and Verizon, compared to the numerous program and carriage access complaints filed against Comcast, is a testament to the natural propensity for a vertically integrated MVPD to favor its own programming at the expense of independent networks and the consumer.

The FCC implemented a condition in the Comcast – NBCU merger to assist minority owned networks. Unfortunately, a condition to assist existing independent networks, which have been launched for a number of years, but haven't received carriage by Comcast, never materialized. The counter-argument is that there is an FCC complaint process in place. Yet, with numerous

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complaints filed by a wide variety of independent networks, the process hasn't corrected any alleged discrimination in favor of an independent network. Unfortunately, there are no meaningful changes to the complaint process, yet the merger is expected to be approved within the next nine months.

The importance to the survival of an independent network in gaining carriage on the big cable networks has been well known. Former FCC Commission Michael Copps, while an active Commissioner in August 2009 stated:

"If an aspiring cable channel cannot win carriage on these big concentrated networks, its fate is sealed. It's doomed." (Source: Seattle Times, Editorials/Opinions, Aug. 31, 2009)

To minimize the concerns of discriminatory and anticompetitive behavior and to enhance the diversity of programming and programming services in the interest of the public, Herring Networks, Inc. strongly recommends that you require Comcast to meet the following conditions for approval of its merger with TWC:

1. If a national cable network meets all of the following criteria below, then Comcast shall extend carriage within 90 days of closing the merger.
 - a. Network is not currently launched on any Comcast System.
 - b. Network is a 24/7 US owned 24/7 national cable network.
 - c. The network has been launched 24/7 for more than 10 years (including name variations only, with the same themed programming)
 - d. The network is launched and carried in the US across at least 10 million homes.
 - e. The network is launched on at least two of the following "Launched MVPDs":
 - i. AT&T U-Verse TV, DirecTV, Dish Network, Verizon FiOS TV.
2. Comcast shall extend carriage as follows:
 - a. Carriage term of 10 years.
 - b. Terms and conditions per the largest Launched MVPD.
3. Or alternatively, require Comcast to divest of its national cable network holdings.

As FCC Chairman, your leadership on this issue is critical to avoiding potential anti-competitive and discriminatory behavior by Comcast. Further, enhancing programming competition and diversity in the marketplace benefits consumers that are already facing rising cable bills and meaningless choices.

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I welcome the opportunity to further discuss this critical issue with you, your staff, and other offices at the FCC.

Sincerely,

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